

GUIDELINES



These guidelines represent unanimous consent procedures for conduct of regular and special meetings of the State Board of Land Commissioners. They have not been adopted under the Idaho Administrative Procedures Act.

State Board of Land Commissioners



Idaho Department of Lands
Boise, Idaho
July 1, 2000

TABLE OF CONTENTS

<u>Guideline</u>	<u>Page</u>
DEFINITIONS.....	1
GENERAL PROVISIONS.....	1
MEETINGS.....	2
MEETING AGENDA.....	2
APPEARANCES.....	2
CONDUCT OF MEETINGS.....	3
BOARD DECISIONS.....	3
POLICY REVIEW	4
BOARD COMMITTEES AND SUBCOMMITTEES	4
PUBLIC INVOLVEMENT POLICY – MEETING NOTICES AND AGENDAS	4
PUBLIC INVOLVEMENT POLICY – TIMBER SALES.....	5

GUIDELINES FOR REGULAR AND SPECIAL MEETINGS OF THE STATE BOARD OF LAND COMISSIONERS

GUIDELINE 1. DEFINITIONS

- 1.a. "Board" means the State Board of Land Commissioners. The Governor is the President of the Board.
- 1.b. "Secretary" means the Secretary to the Board and the Director of the Department of Lands.
- 1.c. "Department" means the Department of Lands.

GUIDELINE 2. GENERAL PROVISIONS

2.a. Procedure governed. These guidelines shall govern all practice and procedure before the Board and the Department during regular and special meetings of the Board. Contested case hearings held by the Board or the Department shall be conducted under the Rules of Practice and Procedure before the State Board of Land Commissioners, IDAPA 20.01.01.

2.b. The principal offices of the Board and the Department will be located in or near the Statehouse Mall, presently 954 West Jefferson Street, Boise, Idaho.

2.c. Written communications and documents concerning any matter covered by these rules should be addressed to the Secretary of the State Board of Land Commissioners, Idaho Department of Lands, PO Box 83720, Boise, Idaho 83720-0050, or to the Director, Idaho Department of Lands, at the same address. All communications and documents are deemed to be officially received when delivered to the Board's principal office.

2.d. Identification. Communications should be specific to the subject(s) at issue and should be identified by the name and address of the communicant. When the subject matter pertains to a proceeding, the proceeding should be identified by appropriate name, number or otherwise.

2.e. Liberal construction. These rules shall be liberally construed to secure just, speedy, and economical determination of all issues before the Board.

GUIDELINE 3. MEETINGS

3.a. The regular meeting of the Board shall be held on the second Tuesday of every month, commencing at 9:00 a.m., provided that a quorum of the Board is present.

3.b. Special meetings, as defined by Idaho Code § 67-2341(6)(b), may be held at such times and places as the board may designate on the call of the President or a majority of the Board. (Idaho Code § 58-103).

3.c. Executive sessions. The Secretary or any member of the Board may request an executive session in accordance with the Open Meeting Law Idaho Code §§ 67-2340 through 67-2347.

GUIDELINE 4. MEETING AGENDA

4.a. Meeting agenda. Any member, or the secretary, may place an item on the agenda for consideration of the Board until the agenda has been distributed by the Secretary. All matters for consideration by the Board in its regular meeting shall be communicated to the Secretary no less than fourteen (14) days preceding the date for the regular meeting. Only Board members and the Secretary may request a late addition (supplemental agenda item) to the agenda. Such supplemental agenda items may only be considered upon unanimous consent of the Board. The Secretary shall circulate the agenda to Board members no less than five (5) days preceding the date for the regular meeting.

4.b. Upon written notice to the President of the Board and the Secretary, any member who will not be present at a meeting may request to have an item removed from the agenda and it shall not be considered. However, the item shall be considered at the next meeting of the Board unless by unanimous consent, the Board agrees to further postponement.

GUIDELINE 5. APPEARANCES

5.a. Appearances before the Board. Any person or entity may appear before the Board to request action, review, reconsideration, or special attention of the Board on any matter within the Board's constitutional and statutory responsibilities; provided that on all matters within the authority of the Department, the person or entity should first exhaust all remedies within the Department. Any appearance shall be scheduled on the meeting agenda in accordance with Guideline 4.a., and shall not conflict with these rules concerning hearings, rehearing, or litigation on the same matter.

5.b. When an item before the Board draws a substantial number of visitors having identical or similar views, the presiding officer may ask the group

the interest of time. If several speakers still wish to be heard, the presiding officer shall advise the audience of how much time will be available for such speakers' presentations.

GUIDELINE 6. CONDUCT OF MEETINGS

6.a. Presiding officer. The Governor, as the President of the State Board of Land Commissioners, shall preside at all meetings of the Board. If the Governor is absent, the Secretary of State shall preside; and if the Secretary of State is also absent, the Attorney General shall preside.

6.b. Rules of order. In general, meetings of the Board shall be conducted in an informal manner, under Roberts Rules of Order; provided, the Board may suspend the rules at any time by unanimous consent of the members present, in order to conduct the business of the Board in a timely and expeditious manner.

6.c. Appeal of Department decision. Whenever the Secretary, acting as the Director of the Department of Lands, shall have rendered a decision in a matter formally appealable to the Board, such appeal shall not come before the Board until the Director shall have reconsidered the decision. Reconsideration may include holding a contested case hearing on the matter, if the Director deems it necessary. A hearings officer appointed by the Director shall preside over the hearing, rule on all necessary procedural matters, and prepare preliminary findings of fact, conclusions of law, and proposed order for the Director's consideration and final decision.

6.d. Contested case hearings. All contested case hearings held by the Department or the Board shall be conducted in accordance with the Administrative Procedures Act (Title 67, Chapter 52, Idaho Code), and the Rules of Practice and Procedure before the State Board of Land Commissioners, IDAPA 20.01.01.

GUIDELINE 7. RECONSIDERATION OF PRIOR BOARD DECISIONS

7.a. Reconsideration of Board decision. Prior to reconsideration of any previous decision concerning the same person, entity, or issue, the Board will first determine new evidence sufficient to justify reconsideration. If a Board member requests reconsideration, that member must have been on the prevailing side in the prior decision.

GUIDELINE 8. POLICY REVIEW

8.a. Periodic review of Board policies. The Board may review its policy and practices from time to time upon the motion of any member or petition of the Secretary.

GUIDELINE 9. BOARD COMMITTEES AND SUBCOMMITTEES

9.a. Board committees or subcommittees. From time to time, the President or a quorum of the Board may create committees to handle specific matters before the Board or the Department. Committees shall consist of two or three members of the Board, appointed by the President of the Board. Committees are empowered only to investigate issues, advise the Department and recommend policy or action to the full Board. Committees, which involve three Board members, do constitute a quorum of the Board and are subject to the notice provisions of the open meeting law. From time to time, the presiding officer or a quorum of the Board may appoint outside, interested parties to a committee to obtain the perspectives of others. Such appointments shall be ex officio (non-voting) and shall terminate when the specific issue for which appointment was made has been considered by the full Board.

GUIDELINE 10. PUBLIC INVOLVEMENT POLICY – MEETING NOTICES AND AGENDAS

10.a. Subscription Service. The Department of Lands will maintain a subscription service so that individuals and organizations may make a standing request, in writing, to receive notices of Board meetings and agendas by mail.

10.b. Meeting Notices and Agendas. The Director's office will maintain a subscription list for selected information pertaining to notices and agendas of the State Board of Land Commissioners' meetings. Interested parties may be placed on this list by sending a written request including name, address, and telephone number to:

Director
Idaho Department of Lands
954 West Jefferson Street
PO Box 83720
Boise, Idaho 83720-0050

10.c. Public Records. Additional information pertaining to the above items, if available, will be provided according to procedures governed by the Idaho Public Records Law, upon request, (Idaho Code §§ 9-337 through 9-350) at prevailing Department costs.

GUIDELINE 11. PUBLIC INVOLVEMENT POLICY – TIMBER SALES

11.a. Subscription Service. The Department of Lands will maintain a subscription service, so that individuals and organizations may make a standing request, in writing to receive selected information relating to timber sales.

11.b. Annual Timber Sales Plan. The Bureau of Forest Management will maintain the subscription list for selected information pertaining to the Annual Timber Sales Plan. Interested parties may be placed on this list by sending a written request including name, address, and telephone number to:

Forest Management Bureau
Idaho Department of Lands
3780 Industrial Avenue South
Coeur d'Alene, Idaho 83815

11.c. Local Timber Sales. Respective supervisory areas will maintain the subscription list for selected information pertaining to their specific timber sales. Interested parties may be placed on these lists by sending a written request including name, address, and telephone number to the respective supervisory area offices (see attached map and addresses).

11.d. Public Records. Additional information pertaining to Department timber sales, if available, will be provided, upon request, according to procedures governed by the Idaho Public Records Law (Idaho Code §§ 9-337 through 9-350) at prevailing Department costs.

11.e. Notice of Proposed Future Timber Sales. On or about the month of May of each year, each supervisory area will publish a notice of timber sales tentatively planned for inclusion in the Annual Timber Sales Plan being developed for two years in the future. The notices will be published in the following newspapers:

Priest Lake Supervisory Area
Bonners Ferry Herald
Priest River Times
Spokesman-Review

Pend Oreille Lake Supervisory Area
Bonners Ferry Herald
Coeur d'Alene Press
Bonner County Daily Bee
Spokesman-Review

St. Joe Supervisory Area

Clearwater Tribune
Shoshone News-Press
Spokesman Review
St. Maries Gazette Record

Clearwater Supervisory Area

Clearwater Tribune
Idaho County Free Press
Moscow/Pullman Daily News
Lewiston Morning Tribune

Payette Lakes Supervisory Area

Star-News
Idaho County Free Press
Idaho Statesman

Southwest Idaho Supervisory Area

Idaho Statesman

Eastern Idaho Supervisory Area

Caribou County Sun
Idaho State Journal
Post Register

Each published notice shall include: (1) The sale name; (2) The general location of the sale area; (3) The estimated sale volume; (4) The estimated sale area in acres.

Interested parties may obtain additional information regarding the listed timber sales from the respective local supervisory area office pursuant to the Public Records Act (Idaho Code §§ 9-337 through 9-350). Comments and questions concerning these sales should be directed to the respective local supervisory area by September 1st. The Department will consider and respond to comments regarding the proposed sales.

11.g. Notice of Annual Timber Sales Plan. On or about the month of January of each year, the Bureau of Forest Management will publish a notice in the newspapers listed in 11.e. explaining that the proposed Annual Timber Sales Plan for the following fiscal year is available for review and that copies may be obtained from the Bureau of Forest Management. Comments regarding the proposed Annual Timber Sales Plan will be accepted for a four-week period following publication of the notice. The Department will consider and respond to comments regarding the proposed sales.

11.h. Notice of Meeting to Approve Annual Timber Sales Plan. On or about the month of March of each year, the Bureau of Forest Management will publish a notice in the newspapers listed in 11.e. The notice will indicate the date of the State Board of Land Commissioners' meeting the proposed Annual Timber Sales Plan for the following fiscal year will be submitted to for consideration. Interested parties, who wish to appear before the State Board of Land Commissioners to comment on the proposed plan, should send a written request to the Director's office prior to March 31.

11.i. Board Action on Annual Timber Sales Plan. On or about the month of April, the Department will present its final recommendations on the Annual Timber Sales Plan for the following fiscal year, plus all respective public comments, to the State Board of Land Commissioners for consideration and action. The Board's decision on the plan is final and there shall be no administrative appeal therefrom. Any person or group appearing at the meeting of the State Board of Land Commissioners, or submitting comments pertaining to this issue, will not be entitled to judicial review, pursuant to the Administrative Procedures Act, Title 67, Chapter 52, Idaho Code.

11.j. Public Involvement Policy Exceptions. Exceptions to this public involvement policy are as follows:

11.j.1. Sales with an estimated value of less than \$150,000, or an estimated volume of less than 1,000 board feet.

11.j.2. Sales where wildfire, insect or disease infestations, windthrow or other extreme weather events, or other extraordinary circumstances require the expeditious removal of the affected timber.